

Chapter: Suspension and Separation
Title: Death of an Employee

Effective Date: 12/1/11
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New

ACA Standard(s): N/A
Statute(s): Gov't Code Ch. 661, Subchapter B

(a) **Policy.**

In the event of the death of a Texas Juvenile Justice Department employee, human resources staff will provide the employee's family members with assistance in understanding available benefits and will coordinate efforts with payroll staff to expedite the processing of any compensation to which the employee's survivors are entitled.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the PRS Glossary.

(c) **Procedures.**

(1) **Notification of Employee's Death.**

As soon as possible after being informed of an employee's death, the local human resources administrator (HRA) or his/her designee must provide email notification of the employee's death to the following Central Office staff:

- (A) benefits coordinator;
- (B) payroll manager; and
- (C) senior payroll accountant.

(2) **Insurance Benefits and Compensation.**

(A) **Insurance Benefits.**

- (i) The benefits coordinator will:
 - (I) complete the Report a Death electronic form available from the Employee's Retirement System of Texas (ERS) website to ensure that ERS is aware of the need to provide the employee's beneficiaries with the information and forms required to receive insurance payments; and
 - (II) advise the local HRA when the completed Report a Death electronic form has been submitted to ERS.
- (ii) The local HRA will initiate contact with the employee's family members to:
 - (I) advise them that ERS has been notified of the employee's death and may be contacting them for additional information to process final benefits; and
 - (II) provide information regarding available benefits.
- (iii) If the employee's death is due to a work-related injury or occupational illness, the local HRA or his/her designee must also contact the Central Office workers' compensation coordinator to ensure that the agency provides all necessary information to the State Office of Risk Management.

(B) Payment for Earned Wages and Leave Balances.

(i) General Provisions.

- (I) The local HRA, appropriate payroll accountant in Central Office, and local facility business coordinator or his/her designee, if applicable, will coordinate efforts to:
 - (-a-) determine the total leave hours to be included in the computation of payment; and
 - (-b-) ensure accurate and timely processing of the final payment of compensation.
- (II) Leave balances may not be used to extend the payroll termination date beyond the date of death.
- (III) The payment for leave balances will be based on the employee's hourly rate of compensation at the time of death, not including longevity or hazardous duty pay.

(ii) Overtime Balance.

Final compensation will include payment for any overtime balance at the time of the employee's death.

(iii) Available Vacation Leave and Sick Leave Balances.

- (I) If the employee had accrued six continuous months of state service at any time during his/her lifetime (determined in the same manner as determining eligibility for use of vacation leave), final compensation will include payment for:
 - (-a-) the balance of the employee's available vacation leave; and
 - (-b-) one-half of the employee's available sick leave, up to 336 hours (does not include sick leave pool hours).
- (II) If the employee was in an unpaid leave status prior to his/her death, available leave does not include any vacation leave or sick leave hours accrued for a month in which the employee was in an unpaid leave status on the first day of the month and did not return to work during the month.

(iv) Other Leave Balances.

Final compensation will not include payment for:

- (I) unused sick leave pool hours;
- (II) administrative leave;
- (III) holiday leave; or
- (IV) state compensatory leave.

(v) Computation of Total Accumulated Leave.

- (I) If the employee was normally scheduled to work at least 40 hours a week at the time of his/her death, eight hours will be added to the payable leave balance for every state or national holiday that occurs within the period during which he/she could have used the payable leave hours. The period during which the employee could have used leave is calculated by allocating the payable leave balance over the workdays after the date of death.

(II) If the employee was normally scheduled to work fewer than 40 hours a week, the number of hours to be added to the employee's payable leave balance for each state or national holiday is computed as provided by (v)(I) above, but will be proportionately reduced.

(vi) **Distribution of Final Payment.**

The employee services supervisor or his/her designee will coordinate distribution of final compensation.

(3) **Exit Process.**

- (A) The employee's supervisor will be responsible for completing applicable sections of the Supervisor's Checklist for Exiting Employees form, HR-061, as soon as practicable and providing the completed HR-061 form to the local HRA. In the event the employee's supervisor does not complete the HR-061 form, the local HRA will complete the form.
 - (B) Once the HR-061 has been completed, the local HRA will:
 - (i) coordinate efforts to collect from the employee's family members any state resources that were assigned to the employee; and
 - (ii) file the completed HR-061 form in the employee's personnel file.
 - (C) The local HRA is not required to complete the Human Resources Audit Checklist for Employee Exit Process form, HR-063, or the Employee Exit Packet form, HR-065.
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